



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Improving the Intelligence Community's  
Declassification Process and the Community's  
Support to the National Declassification Center

L E A D I N G   I N T E L L I G E N C E   I N T E G R A T I O N

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## Table of Contents

Introduction.....	3
Report on the Intelligence Community's Declassification Process.....	4
Process.....	4
Funding.....	4
Electronic Records .....	4
Proposals to Improve the IC's Declassification Process.....	5
Report on the Intelligence Community's Support to the National Declassification Center .....	6
Clarifying the IC's and NDC's Roles, Responsibilities, and Authorities .....	6
Rationalizing and Prioritizing Declassification Review .....	7
Criticality of Secure Communications .....	8
Proposals to Better Enable NDC to Accomplish Its Missions.....	8
Appendix 1.....	12
Appendix 2.....	13
Appendix 3.....	16
Appendix 4.....	17

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## Introduction

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In accordance with a Congressionally Directed Action (CDA) in the Intelligence Authorization Act for Fiscal Year 2015 (Public Law 113-293), the Director of National Intelligence submits this report describing “proposals to improve the declassification review process throughout the intelligence community; and steps the intelligence community could take, or legislation that may be necessary, to enable the National Declassification Center to better accomplish the missions assigned to the Center by Executive Order 13526, *Classified National Security Information*, (75 Fed. Reg. 707).”

The Intelligence Community’s (IC’s) declassification programs are foundational to the Community’s fulfillment of the Executive Order (E.O.) and its own *Principles of Intelligence Transparency*. This report focuses on Automatic Declassification (AD), described in Section 3.3 of the Order.<sup>1</sup> It directs that “all classified records that are (1) more than 25 years old and (2) have been determined to have permanent historical value under title 44, United States Code, shall be automatically declassified whether or not the records have been reviewed,” except when an agency head has determined the information contained therein over which the agency has Original Classification Authority (OCA) satisfies one or more of the nine exemption categories in Section 3.3(b) of the E.O. Agencies are allowed to request exemptions from automatic declassification at 25 years (Section 3.3(b)), 50 years (Section 3.3(h)), and 75 years (Section 3.3(j)) from the date of origin of classified information if they believe it must remain protected beyond 25 years.

The AD process dwarfs other declassification efforts in terms of the number of pages reviewed and released. According to the *2015 Report to the President* prepared by the Information Security Oversight Office (ISOO), during 2015, about 85 million pages were reviewed for declassification under AD, and over 36 million of them were released. The National Archives and Records Administration’s (NARA’s) National Declassification Center (NDC) plays a critical role in the AD process, as stipulated in Section 3.7 of the E.O. The Office of the Director of National Intelligence (ODNI) does not engage in AD review because it has not yet originated classified information more than 25 years old. As part of the research conducted in preparation of this report, 19 Executive Branch agencies and departments that participate in AD were asked to identify ways the process could be improved and measures that could be taken to better empower NDC to perform its mission.<sup>2</sup> Comments on improving the AD program throughout the IC largely coalesced around three issues: process, funding, and preparing for electronic-born records that will inundate the review process in the future.<sup>3</sup>

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<sup>1</sup> This report is the first assessment of the Automatic Declassification process from an IC perspective.

<sup>2</sup> Agencies consulted as part of the research undertaken in preparation of this report are listed in Appendix 1.

<sup>3</sup> In addition to discussions with Executive Branch agencies, a meeting was held with a representative of the Federation of American Scientists’ Project on Government Secrecy to obtain the perspective of a primary member of the user community on ways the IC can improve its declassification processes and better enable NDC to accomplish its missions.

# Report on the Intelligence Community's Declassification Process

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## Process

The Community shares a common AD mission, but significant variations exist across agencies in the processes and standards they use to carry out records review and release. For example, some employ a pass/fail approach in declassifying records; others redact documents to permit their partial release. A few agencies allow reviewers from other agencies to render declassification decisions on their equity, but others adamantly oppose the practice. Some agencies employ a sampling regime in reviewing records, while others engage in page-by-page review. Do-not-refer lists specifying equity no longer requiring protection have been distributed by certain agencies to reduce the amount of review referrals they receive; other agencies want referrals of all of their equity regardless of age, content, or likelihood of continuing sensitivity.

These differences are rooted in Declassification Guides agencies produce to direct their AD programs. The guides articulate policies, standards, and practices that govern the review and evaluation for declassification of equity over which they have OCA. E.O. 13526 permits considerable variation in the content of guides by not mandating a single process for agencies to perform AD, and by allowing agencies to individually define criteria used to exempt classified information they originated and judge satisfies one or more of the exemption categories in the Order.

## Funding

Offices responsible for directing AD programs at their respective agencies were united in their interview comments that, as an unfunded mandate, declassification programs are meagerly resourced to perform the missions they are assigned in the Order. The number of records requiring AD review varies among agencies, which impacts dramatically the allocation of resources to programs throughout the IC. Some agencies are responsible for reviewing tens of millions of pages for declassification, while others measure their workload in thousands of pages. Regardless of the magnitude of individual programs, all agencies agree funding shortfalls have a constraining effect on their AD programs. For example, a number of agencies that employ document pass/fail in their programs indicated a willingness to adopt redact-in-part review—thereby making millions of additional pages eligible for release—but explained the additional resources required by that more labor-intensive process are not available.

## Electronic Records

The existing AD process was created to review paper-born records, and improvements to that process do not address an immense challenge facing declassification in the future. A paradigm shift in the declassification mission is underway as ever-increasing quantities of electronic-born records—measured in terabytes of information—are poised to enter the review process.<sup>4</sup> AD programs are not designed, resourced, organized, or equipped to meet this challenge, and all agencies agree reliance on traditional review methods and human reviewers is inadequate. Incorporating technologically-based decision support aids in the declassification

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<sup>4</sup>The future focus on electronic-born records should not obscure the fact that over 100,000 cubic feet of paper records requiring declassification review are estimated to be accessioned to NARA over the next 15 years.

process to help make manual review more efficient and contribute to automating review steps that are currently performed manually is essential to deal with the upcoming deluge of electronic records.

Technology designed to reliably assist records review and release is years away from practical utilization. Initiatives currently underway in the academic and private sectors to develop such technology and validate its applicability in declassification review are being investigated by a few agencies, but such efforts are embryonic, and no one agency has the resources to cover the projected cost—tens of millions of dollars—of such a project. Agencies that are pursuing records review and release technology concur that progress would be aided by the creation of a dedicated and integrated IC-wide plan to explore, develop, and validate tools for incorporation in the Community’s declassification processes. Those agencies that have no plans to investigate technological tools on their own cite the prohibitive costs involved and their belief that only an IC-based approach can succeed in finding technologically-based solutions to contend with the approaching avalanche of electronic records.

## **Proposals to Improve the IC’s Declassification Process**

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Improving the declassification process across the Community will require an integrated and multifaceted set of initiatives fully coordinated with organizations that have AD programs. No single step will suffice in addressing satisfactorily the areas for improvement that have been identified in this report.

**Proposal on Process:** The ODNI-sponsored, interagency Information Management Committee (IMC) intends to create a Declassification Improvement Working Group (DIWG) to conduct a zero-based study of the IC’s AD process and prepare a report—by a specified deadline—that includes recommended actions to increase the program’s effectiveness and efficiency across the Community. The report’s findings should serve as useful input in deciding whether development of IC-wide guidance is needed to create a more amalgamated IC approach to AD to replace the agency-centric stovepipes now dominating the process. The lack of such guidance was identified repeatedly by AD program offices consulted in the preparation of this report as abetting the inconsistencies that characterize the ways AD is carried out within the Community. If established, the guidance could better unify and integrate the Community’s declassification workflows and structure, particularly as they relate to document review practices, information release standards, and equity referral requirements. Greater consistency would be especially valuable in the declassification review of categories of classified intelligence agencies have in common. The DIWG’s scope, moreover, could be expanded at the discretion of the IMC chair to examine other declassification programs.

Crafting declassification guidance for the Community is a complex task. It will have to incorporate variations in the nature and sensitivity of OCA-controlled equities that exist across the IC, and be written to maintain a balance between releasing information that no longer requires protection while withholding information that remains sensitive. It also would need to be informed by the fact that IC elements have OCA either directly from the President or delegated to them by the heads of the departments in which they reside. IMC is the most appropriate forum to develop the guidance, coordinate it with agencies that have AD programs, and manage its implementation across the Community.

**Proposal on Funding:** Officials who manage their agencies' AD programs and who were interviewed for this report believe initiatives to improve the IC's declassification process must address current underfunding of programs. To address this issue, ADNI/CFO staff elements, in coordination with ADNI/P&S, will designate Program classification management funding Special Interest Items and include discussion during annual mid-year and end-of-year execution reviews.

**Proposal on Electronic Records:** A joint task force—led by ODNI and ISOO with participation by the entire IC—should be formed to aggressively pursue the identification, development, and validation of technological capabilities—tools and infrastructure—for incorporation in the AD process. It is important to recognize that reaping the benefits of decision support technology in declassification review is not simply a matter of having the right tool available. It must be accompanied by a supporting infrastructure and feature a consistent and user-friendly interface. The Community, moreover, must be able to access, use, and trust the tool if it is going to be effective across the Community.<sup>5</sup>

Only a vigorous, Community-wide commitment to a technologically-based solution will win the race between the prodigious volumes of electronic records scheduled to enter the declassification process and the availability of technological capabilities to review them successfully. The joint task force should design its plans and activities against a goal of having the technological capabilities developed, deployed, and used by all IC agencies by 2019.<sup>6</sup>

An effective Declassification Management Tool (DMT), all agencies concur, would result in a major improvements in the AD process. The tool would make manual review processes more efficient, allow users to render accurate and consistent declassification decisions on electronic-born records, and expedite equity referrals across the IC at a pace that currently does not exist. Tailored to meet the equity sensitivities of each agency, the DMT could also feature a redact-in-part capability, moving the declassification community away from the restrictive pass/fail dichotomy and encouraging greater mission integration in records review and release. Moreover, ingesting AD policy guidance in the tool would facilitate consistent, correct implementation across the Community and, by so doing, streamline and standardize the declassification process. Realizing these advancements depends on all agencies using a common DMT, which, as noted, underscores the importance of applying efforts to improve the declassification process on an IC-wide basis.

## Report on the Intelligence Community's Support to the National Declassification Center

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### Clarifying the IC's and NDC's Roles, Responsibilities, and Authorities

NDC was established within NARA under Section 3.7 of E.O. 13526. The Center's roles include streamlining the declassification process, facilitating quality-assurance measures, and

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<sup>5</sup>The task force could, if it chose to do so, explore how other declassification programs might benefit from the incorporation of new technological capabilities in their records review and release processes.

<sup>6</sup>The 2019 date is based in part on an Office of Management and Budget memorandum dated 24 August 2012 directing all executive department agencies and independent agencies to work toward the following goal, "By 2019, Federal agencies will manage all permanent electronic records in an electronic format."

implementing standardized training regarding the declassification of records determined to have permanent historical value. NDC's relationship with the IC is broadly defined in the Order. Its director is empowered to "coordinate" the Center's declassification activities in accordance with Section 3.3 of the Order. Heads of agencies that maintain AD programs are required to "fully cooperate" in the activities of NDC to support interagency declassification activities, especially the timely and appropriate processing of declassification referrals necessary to fulfill the requirements of Section 3.3.<sup>7</sup>

The E.O.'s generalized wording was intended in part to encourage NDC's relationship with IC agencies to mature flexibly over time. But the language also created ambiguity in defining—individually and comparatively—the respective roles, responsibilities, and authorities of the Center and the Community within the context of carrying out the AD mission. For example, the response to the requirement in Section 3.7(b)(5) of the Order to develop, "solutions to declassification challenges posed by electronic records, special media, and emerging technologies" has been more agency-specific than IC-wide, and more agency-driven than NDC coordinated. The text also left unclear the number of personnel agency heads would assign to work at the Center, as noted Section 3.7(c)(2), or the duration of their assignments, thereby complicating NDC's resource planning upon which its declassification goals are formulated.

## Rationalizing and Prioritizing Declassification Review

According to Section 3.3 of E.O. 13526, all classified records that are more than 25 years old and have been determined to possess permanent historical value shall be automatically declassified.<sup>8</sup> As clearly revealed by records that have been processed through declassification review and released to the public, not all records of permanent historical value have equal historical significance. Agencies that conduct AD and those in the user community who examine documents released through the program agree that a substantial amount of the material is of minimal interest to historians and researchers, and more broadly, members of the general public. Such records are frequently described as administrative in nature, involving the daily, routine bureaucratic functioning of an organization, and as material that sheds no light on mission-related activities, support to policymakers, or participation in historically noteworthy events. As a representative from one agency lamented, "When I review hundreds of 40-year-old document transmittal slips for declassification, I wonder who in the public will have an interest in and actually benefit from the release of this information."

Recognizing the problem is far simpler than remedying it. Shortcomings in records management practices, particularly as they were applied to accession collections to NARA in earlier years, have created considerable ambiguity over the specific content of records scheduled for declassification review. These practices were manifested in the past tendency of agencies to describe in generalized terms collections accessioned to NARA, thereby avoiding time-consuming reviews aimed at disclosing the substantive specifics and historical significance of the holdings. The resulting lack of details about materials in accessioned collections reduces the

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<sup>7</sup> An assessment on the impact and potential value of steps the IC could take to better enable NDC to carry out its missions would be incomplete without the perspective of the Center itself. To allow NDC's viewpoint to be expressed while keeping it distinct from the IC's, the Center's Director was asked to draft a separate position paper responding to the CDA for inclusion in this report. It is contained in Appendix 2.

<sup>8</sup> Records having permanent historical value are Presidential programs or Presidential records and the records of an agency that the Archivist of the United States has determined should be retained permanently in accordance with title 44, United States Code.

revelatory effect of permanent historical value as a criterion in illuminating the relative importance of records' substantive content when assessing and prioritizing records to process through declassification review.

## Criticality of Secure Communications

Another point on which all agency AD offices consulted for this report agree is the need for NDC and the presidential libraries to obtain secure network communications. None of the libraries have JWICS or SIPRNet, nor does NDC have a dedicated secure network.<sup>9</sup> The lack of secure network communications degrades the efficiency of the declassification process severely; for example, classified record transfers between presidential libraries and IC agencies for purposes of declassification review are done using paper copies delivered by courier. This extends to several months declassification review that could be completed in several weeks with secure connectivity. IC agencies' inability to communicate over a secure network with NDC delays interagency discussions of equity referral questions, hinders resolution of issues of common concern, and interferes with efforts to streamline and integrate more seamlessly the sequential workflow steps that comprise the AD review process.<sup>10</sup>

NDC, moreover, does not have a dedicated secure phone capability. Like the absence of secure network communications, this connectivity shortfall adversely affects the ability of NDC and IC agencies to cooperate in achieving productivity goals and maintaining a resilient, agile working relationship throughout all levels of the declassification process. As highlighted repeatedly in the observations of officials with extensive experience in AD programs, the ability of the IC and NDC to communicate securely and in a timely manner is essential to the success of any significant improvement proposed for the process. If not accompanied by significant upgrades to NDC's and presidential libraries' secure communications infrastructure, proposals to improve declassification workflow/collaborative processes will fail to resonate as powerfully as intended. Full-scope, secure connectivity—network and phone—linking NDC and the presidential libraries with the IC is indispensable in any major initiative undertaken by the Community related to improving the AD process by increasing the Center's capability to carry out its role.

## Proposals to Better Enable NDC to Accomplish Its Missions

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Like improving the declassification process across the IC, better enabling NDC to achieve its missions will require an integrated, multifaceted approach that is carefully coordinated with agencies possessing AD programs. No single action will address satisfactorily the areas for improvement that have been identified in this report.

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<sup>9</sup> The Joint Worldwide Intelligence Communications System (JWICS) and the Secret Internet Protocol Router Network (SIPRNet) are components of the Defense Information System Network. JWICS is a Top Secret/SCI network run by the Defense Intelligence Agency, and is used across the Department of Defense, Department of State, Department of Homeland Security, and Department of Justice to transmit especially sensitive, classified information. SIPRNet is a system of interconnected computer networks used by the Department of Defense and the Department of State to transmit information classified up to and including Secret.

<sup>10</sup> A chart illustrating the AD workflow process at NDC is contained in Appendix 3.

Agency AD offices that provided input for this report were unanimous in judging E.O. 13526 should be updated to reflect “lessons learned” in the review and release of classified information since the Order was published in 2009. Updating the E.O. will be a major undertaking involving the White House and multiple Executive Branch agencies and departments, especially given the number of revisions suggested by agencies as needed, and the interrelated nature of the Order’s language that makes discrete, surgical changes difficult to incorporate in the text. Effective, comprehensive coordination of changes to the E.O. will be critical in realizing declassification process improvements envisioned in revisions to its text. A joint White House-IC-ISOO task force should be formed to identify and propose updates to the Order. The multiple sources that will be solicited to gather information and guidance in revising E.O. 13526 should include those with practical experience in AD review. Their input will be critical in evaluating proposals designed to expedite and align processes used to review and release classified material to the American public.

**Proposal on Roles, Responsibilities and Authorities:** In offering proposals to improve the AD process, agencies coalesced around the need to revise the language in Section 3.7 of E.O. 13526 to provide more detail on the “coordination” authority of NDC’s Director, and on IC agency heads’ responsibility to “fully cooperate” in the activities of the Center. Greater clarity in identifying and differentiating the separate and shared roles, responsibilities, and authorities of the IC and NDC, AD program offices judge, is an indispensable part of any initiative to improve the review and release process. A working group should be established under the auspices of the existing NDC Interagency Advisory Panel (NIAP), on which IC agencies are represented, to draft a series of proposals for improving the AD process by introducing greater specificity in the IC-NDC relationship. The working group’s report could serve as input for recommendations the joint White House-IC-ISOO task force makes to update Section 3.7 of the Order.

**Proposal on Declassification Review:** Offices at IC agencies performing AD and the user community that receives information released to the public through that process agree the requirements for automatic declassification mandated in Section 3.3 of E.O. 13526 should be revised to permit the historical significance of records to play a more important role in prioritizing collections for review. The advisability of this transition depends in part on records containing information of negligible historical interest being given low precedence in the declassification process. But categorizing collections as low interest creates a risk they will be automatically released at 25 years under Section 3.3 because they have not been reviewed by that deadline.

Just as it is mistaken to believe all records designated as having permanent historical value also must possess permanent historical interest, it is equally fallacious to believe records without historical significance must also lack sensitive intelligence equity. A decades-old order for office furniture may be mundane historically, but if the location of the U.S. station/base operating covertly overseas that placed the order is revealed by its contents, then the information can be highly sensitive and must remain protected. Without changing the declassification process to give more prominence to records having historical importance—while still protecting sensitive information in records with less noteworthy substance—review prioritization will remain determined primarily by collections’ age. As a result, researchers and historians will continue to be frustrated by the release of records containing little historical significance, while records imparting more meaningful information about the government’s past activities await routine review in the declassification queue.

If Section 3.3 of the E.O. is amended to exempt collections from automatic release at 25 years—based on a determination the contents have minimal historical importance and their review can be delayed beyond that time limit—then criteria should be established to validate the accuracy of decisions that records are of low interest. The standards should be developed jointly by NDC and the IC through the NIAP.

**Proposal on Secure Communications:** The absence of full-scope secure communications—networks and phones—at NDC and the presidential libraries was identified as a significant impediment in improving the declassification process and enhancing NDC’s capability to carry out its missions. This deficiency will become more pronounced as electronic-born records begin to dominate the review and release process in coming years. For example, review of collections containing multiple agencies’ equities is now conducted at the Interagency Referral Center (IRC) at NDC. It is a paper-based, labor-intensive, and time-consuming process as representatives from individual agencies review collections sequentially for declassification. A Virtual Referral Center (VRC) could be created for electronic records, allowing agencies’ equities to be referred and reviewed using a secure network. Agencies would not be required to maintain an on-site presence at the IRC to identify and review equity for which they have OCA. The transfer of records for review among agencies could be expedited considerably, and documents could be reviewed simultaneously by multiple agencies—not one agency at a time. Together, these improvements would better integrate referral review, streamlining what is now one of the most protracted stages of the declassification process. A VRC to prepare for the avalanche of electronic records that will engulf the declassification review process is only possible, however, if NDC and the presidential libraries have full-scope secure communications.<sup>11</sup>

Although the benefits of providing secure connectivity between IC agencies, NDC, and presidential libraries can be most fully exploited with electronic-born records, the capability will also improve the process used to review and release paper-based material. Currently, IC agencies’ discussions with NDC and the libraries related to the declassification of information take place in face-to-face meetings, through the paper-based courier system, or by using the frequently chosen yet always risky gambit of “weasel wording” sensitive issues through ambiguous yet suggestive language on open telephone lines. Full-scope secure communications at NDC and the libraries could replace these flawed options, quickening the pace and efficiency of declassification-related deliberations and decisions while ensuring their protection in a secure setting.

Obtaining full-scope secure communications—networks and phones—for NDC and the presidential libraries is complicated and will be expensive. Meticulous planning, extensive coordination, adequate, sustained funding, and an installation schedule jointly agreed upon by NARA and the agencies that run JWICS and SIPRNet will be critical to the success of this proposal. A decision that looms early for planning is whether NDC and the libraries require both JWICS and SIPRNet or only one of the systems and, if the latter, which one. Another requirement—essential to satisfy if this proposal is pursued—is establishing security safeguards to ensure classified information is adequately protected, and only authorized and properly cleared employees with a mission need have access to the systems. Assessing the practicality of this proposal and exploring initial steps associated with its planning and implementation should begin with the formation of an IC-NARA task force—jointly chaired by senior officials from

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<sup>11</sup> Although this report focuses on AD, the installation of full-scope secure communications at NDC and the presidential libraries would also benefit other declassification programs.

NDC, the Office of Presidential Libraries, and the Defense System Information Network—to draft a feasibility study on obtaining full-scope secure communications for NDC and the presidential libraries, with a report due to the NIAP in accordance with a deadline established by task force members.

## **Appendix 1**

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### **Agencies/Departments Visited**

Central Intelligence Agency

Defense Intelligence Agency

Department of Energy

Department of Homeland Security

Department of Justice

Department of State

Department of the Air Force

Department of the Army

Department of the Navy

Federal Bureau of Investigation

Federation of American Scientists

Joint Chiefs of Staff

National Aeronautics and Space Administration

National Archives and Records Administration

National Geospatial-Intelligence Agency

National Reconnaissance Office

National Security Agency

National Security Council

Office of the Secretary of Defense/Washington Headquarters Services

## Appendix 2

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**Note:** This Appendix was drafted by the Director of the National Declassification Center (NDC) and represents the views of the National Archives and Records Administration (NARA). It has not been coordinated with the IC, nor do the views expressed herein necessarily represent those of the Community. This Appendix was commissioned because the CDA report's focus on Automatic Declassification (AD) appertain directly to NDC's role, authority, and mission. While the Center's perspective is distinct from the Community's, the issues addressed in the report and this Appendix reflect a shared interest in—and commitment to—bettering the AD process and IC-NDC cooperation in fulfilling declassification goals established in E.O. 13526.

When the NDC completed the declassification review of the 352-million-page “backlog” on time in 2013, it established a new model of collaboration and cooperation among national security agencies and departments to provide access to our nation’s history. The NDC has continued to achieve its yearly goals since 2013 in reducing the review backlog for still-classified archival records based on quality assurance equity identification. The NDC should now build on this success with new authorities, additional resources, and expanded declassification community assistance to become a more requester-friendly, service-oriented “access center” for declassified permanent historical records. The mandate of the NDC should be expanded to adjudicate the systematic declassification review process, to coordinate inter-agency Freedom of Information Act (FOIA) cases involving classified information, and to acquire the most advanced tools to facilitate search, review, and redaction of both paper and electronic records.

E.O. 13526, *Classified National Security Information*, established the NDC and provided generalized authority to oversee the declassification process. Section 3.7 of the E.O. directed agency and department directors to assign personnel to work at the center to review and exempt/release information originated by their agencies, but the E.O. did not clearly define NDC’s role in regard to these personnel. The lack of authority to direct other government agency reviewers (including input into their qualifications, performance ratings, and the ability to manage their hours and projects) means that the NDC is frequently subservient to the parent agencies’ other priorities and resource needs.

NDC is in the best position in the declassification community to determine the processing priorities and sensitivities of the permanent records subject to automatic declassification. Every year more records require declassification processing by the NDC as additional permanent records become subject to automatic declassification. Records cannot stay classified forever, so those exempted in the past must also be re-reviewed for potential release in a timely fashion, thus adding to the yearly quality assurance and review workload. Moreover, NDC believes that not all records are created equal, and that requester-prioritized “significant historical collections” should go to the head of declassification processing queues. However, researchers and requesters don’t always agree on what is most historically significant. Working with the extensive NARA requester community, NARA/NDC, along with historians and other civil society partners, is well-situated to identify records and record groups of greatest historical interest, and to then prioritize declassification processing based on that interest.

With Intelligence Community (IC) partners and additional authority, NDC could focus the resource-heavy declassification process on those series deemed most sensitive and historical by the E.O.-required 25-year deadline. Although agencies are directed to review and revise their

declassification guidelines every five years, revising doesn't always result in a reduction in the number of their 25, 50, or 75 year exemptions. As demonstrated in its work with the Interagency Security Classification Appeals Panel (ISCAP), NDC is uniquely suited to represent all sides of the declassification community with a common sense approach, and thus should be the center point for adjudicating sensitivities in the millions of pages currently in NARA holdings. This is in addition to the staggering volumes of permanent classified records heading to NARA: at least 111,323 cubic feet of classified records (the equivalent of approximately 280 million pages) are currently scheduled for accessioning to NARA during the next 15 years; an additional 40,577 cubic feet (approximately 101.4 million pages) are scheduled for transfer after 2031. These numbers do not include an undetermined volume of records that will become eligible for transfer from the majority of the IC agencies, but the records are full of IC equities. Moreover, over time, a huge volume of permanent classified electronic records will be coming to NARA, only to compound the textual numbers.

E.O. 13526 established the NDC to coordinate automatic declassification for records 25 years old and older and accessioned to the National Archives. But given the proper authority and cooperation of the IC, NDC could also manage special access requests for those records, e.g., under the FOIA. FOIA requests for classified records are especially problematic for those records 25 years old and older and accessioned to NARA but with equity still belonging to other agencies and departments. The success of the interagency work of the NDC suggests agencies could address FOIA requests in an on-site collaborative center similar to the Interagency Referral Center, a successful review program within NDC. On-site collaborative review would reduce the time and resources needed to coordinate cases and could, therefore, make for a more efficient FOIA process.

To accomplish these goals, the NDC must be outfitted with updated secure communication technologies, along with expanded storage space for classified records.<sup>12</sup> The E.O. directed NDC to, "coordinate the development of solutions to declassification challenges posed by electronic records, special media, and emerging technologies," and NDC has successfully worked with other NARA experts to address special media formats and review. Digitization and online review and redaction tools, imperative for identifying responsive records and applying advanced search techniques, can currently work for boutique collections, but the resources and technology needed to do this on the large scale of 25-year-old and older hard copy records are out of most agencies' reach.

Electronic records and associated technologies are not in the near-term NDC future of what is still a highly textual world; NDC must, therefore, rely on the depth and expertise of the IC as it processes its own large volumes of sensitive records requiring automatic declassification and current access processing. While agencies, departments, and the National Archives are all holding discussions on how best to address electronic records, NDC must acquire enhanced capabilities to support the identification of classified equities requiring continued protection and to support efficient and effective declassification. Such capabilities must reflect advanced search and redaction techniques if NARA is to expand public access to future classified born-electronic or digitized collections.<sup>13</sup>

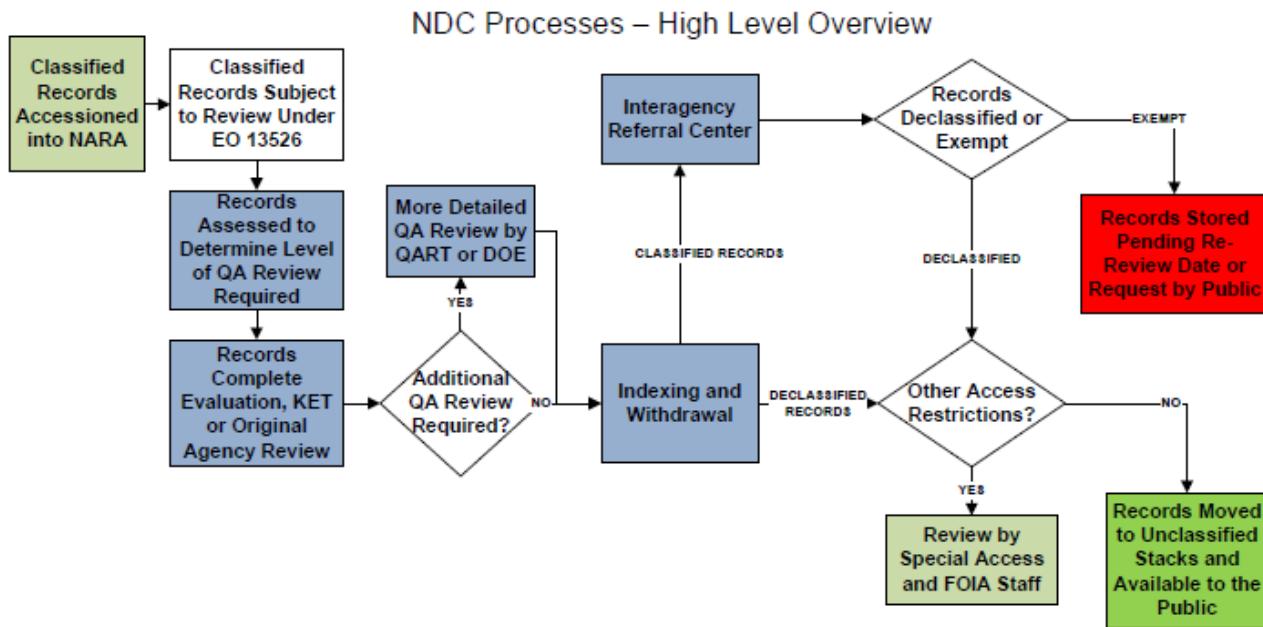
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<sup>12</sup> Both classified records storage and processing space are at a premium; these are expensive to construct and maintain to archival and security standards.

<sup>13</sup> NARA processing – such as segregation of records exempted from automatic declassification; screening for privacy concerns; and archival processing (description, holdings maintenance) – is resource intensive, predominantly manual, and time consuming.

The American public expects national security information to be protected, but they also expect their historical records to be made available in a timely fashion. The National Archives embodies the commitment to public access and houses the expertise needed to preserve our nation's most valuable historical records. The strength of the NDC is in its declassification community partnerships, and it is those partnerships that can support, facilitate, and innovate expanded access and openness.

## Appendix 3



## **Appendix 4**

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### **Selected Reference Documents**

32 CFR Part 2001, “Classified National Security Information; Final Rule,” Information Security Oversight Office, National Archives and Records Administration, 25 June 2010

Executive Order 13526, “Classified National Security Information,” 29 December 2009

Executive Order 13556, “Controlled Unclassified Information,” 04 November 2010

Intelligence Community Directive 703, “Protection of Classified National Intelligence, Including Sensitive Compartmented Information,” 21 June 2013

Intelligence Community Directive 710, “Classification Management and Control Markings System,” 21 June 2013

“Managing Government Records Directive,” Office of Management and Budget, 24 August 2012

Public Law 113-293, “Intelligence Authorization Act for Fiscal Year 2015,” 19 December 2014

“Principles of Intelligence Transparency Implementation Plan,” ODNI, 27 October 2015

“2015 Report to the President,” Information Security Oversight Office, National Archives and Records Administration, 15 July 2016